

The Speaker laid before the House the following messages from His Excellency, the Governor:

EXECUTIVE OFFICE,  
AUSTIN, TEXAS, April 17, 1893.

To the House of Representatives:

I object to House bill No. 675, which is "An act to validate certain courthouse and bridge bonds of Fort Bend county," received in the executive office on the 7th day of this month, and beg to submit my reasons therefor.

From the act it appears that the county commissioners court of that county at various times during the years 1884, 1885, 1887 and 1888, for the real or supposed purpose of erecting a new courthouse and for constructing an iron bridge executed bonds to the aggregate sum of \$62,000, bearing interest at the rate of 8 per cent per annum.

It seems that these bonds, for some reason not fully disclosed, are not valid, and the purpose of the act is to make them good and binding on the county, giving them as full force and effect as if they had been executed in due form of law unaffected and unimpaired by irregularities in their issuance. It also confers on the commissioners court the power to issue funding bonds of such county for the purpose of taking up and redeeming these validated bonds, and provides for the levy and collection of a tax for the payment of expenses, interest and sinking fund, and regulates the duties of and prescribes the security to be executed by the county collector and treasurer in relation thereto. In all respects this is a special or local law.

By article 3, section 56, State Constitution, the Legislature is expressly prohibited from passing any local or special law where a general law can be made applicable. The authority for the construction of courthouses arises from article 11, section 2, of the Constitution, and it is given full force by the general laws applicable thereto. Therefore Fort Bend county never derived its power in the first instance for the execution of these bonds from a special law, and it is difficult to understand by what authority they could be validated by a special act of the Legislature.

The act is repugnant also to section 56 of article 3, wherein the Legislature is inhibited from passing any local or special law regulating the affairs of any county, or prescribing the

powers and duties of any county officer, or providing or changing methods of collection of debt, or enforcement of judgment, or for limitation of civil actions. In each of these particulars the act violates the Constitution, for it prescribes powers and duties of the county commissioners court and of the tax collector and treasurer, and provides the method for the collection of a bond debt and regulates the affairs of the county in relation thereto. If the bonds sought to be validated by the act are just debts, not executed in violation of the Constitution, then the act of March 30, 1887, and other General Laws of the State would be amply sufficient for the county to compromise or adjust them so as not to defeat the rights of innocent purchasers. If the laws are not sufficient for town, city and county governments to correct and make valid their honest obligations so as to protect the honor of themselves and the rights of investors in good faith, then it would be quite as easy for the Legislature to pass a general law on this subject, operating uniformly on all county and municipal governments, as it would be to pass an elaborate special bill like the one under consideration. Validating acts, at best, can not be regarded with much favor. They often work injustice upon the public in the interest of those who have wilfully committed wrongs. The Constitution was never wiser than when, having in view the protection of the interests of the people, it prohibited the passage of special acts affecting their right in cases where the general laws could be made applicable to the object in view. Local or special laws often pass out of "courtesy" to some local representative without that mature consideration usually given to laws that affect the interests of the whole people, and in time must lead to much public distress unless there shall be less sentiment and more principle observed in their adoption.

Very respectfully,

J. S. HOGG,  
Governor of Texas.